

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 13-220—SB 1094**

*Public Safety and Security Committee*

**AN ACT CONCERNING REVISIONS TO THE GUN VIOLENCE  
PREVENTION AND CHILDREN'S SAFETY ACT**

**SUMMARY:** This act makes numerous revisions in PA 13-3, which made extensive changes in the state's gun (firearm) laws.

PA 13-3 expanded the assault weapons ban and, with some exceptions, also banned the sale of large capacity magazines (LCMs). This act, until October 1, 2013, allows individuals to possess and register certain assault weapons or LCMs they purchased from or placed with a gun dealer, pawnbroker, or consignment shop operator before or on April 4, 2013, the day PA 13-3 took effect, but did not receive until after that date (§§ 1 & 9(e)).

The act expands and modifies the list of enforcement officials and agencies that may legally possess and purchase banned assault weapons and LCMs. With regard to the enforcement officials, the act adds, among others, Department of Motor Vehicles (DMV) inspectors, Department of Energy and Environmental Protection (DEEP) conservation officers, and Division of Criminal Justice (DCJ) inspectors (§§ 1, 5, & 6). These individuals do not have to register an assault weapon or declare an LCM used in the discharge of their official duties, and they may keep the weapon or LCM after their service ends by registering or declaring it, as applicable (§§ 2 & 7). On the other hand, the act subjects civilian employees of the armed forces and non-sworn employees of the Department of Emergency Services and Public Protection (DESPP), Department of Correction (DOC), and police departments to the LCM and assault weapons ban and related laws.

The act, until December 31, 2013, also allows anyone who lawfully possessed a weapon that became a banned assault weapon after the passage of PA 13-3 on April 4, 2013 to transfer the weapon, without registering it, to a gun dealer, in Connecticut or out of state, for sale out of state (§ 9(d)).

The act excludes certain weapons designated as Olympic target pistols by the DESPP commissioner from the assault weapons ban under specified circumstances (§§ 5 & 6).

The act requires a state, rather than national, criminal history records check on anyone applying for a DESPP ammunition certificate (§ 13). It eliminates an option, under PA 13-3, for gun dealers to conduct a national instant criminal history records check (NICS check) with regard to private long gun sales, requiring instead that DESPP conduct the checks (§ 12).

Among other changes, the act also:

1. defines what constitutes evidence of a lawful purchase for purposes of determining constructive possession of an LCM or certain assault weapons (§§ 1 and 4);
2. upon the owner's death, allows lawfully possessed LCMs and assault

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weapons to be transferred to someone through a trust (§§1(f), 5(b)(3), & 7(b)(2));

3. restores a prohibition, seemingly eliminated by PA 13-3, on certain assault weapons defined by features (§ 3);
4. stipulates that a disqualifying misdemeanor conviction had to occur on or after October 1, 1994 for it to make someone ineligible to possess a firearm or get a gun permit or long gun eligibility certificate (§§ 14-16);
5. bars the probate court from granting relief from certain firearm disabilities if it finds that the petitioner is barred from possessing a firearm under state law (§ 20); and
6. makes other technical, conforming, and miscellaneous changes.

EFFECTIVE DATE: Upon passage, unless noted otherwise.

### § 1 — LAWFUL PURCHASE AND CONSTRUCTIVE POSSESSION OF LCM

The act defines what constitutes evidence of a lawful purchase for the purpose of determining constructive possession of an LCM.

Effective April 4, 2013, PA 13-3, with exceptions, banned the sale and other transfer of any LCM that can hold more than 10 bullets. But it allowed anyone who had (1) actual and lawful possession of an LCM or (2) constructive possession of one under a lawful purchase of a firearm containing an LCM transacted before April 4, 2013 to keep it by applying to declare it to DESPP by January 1, 2014.

For purposes of determining constructive possession, the act extends the purchase transaction date by one day, to April 4, 2013. It thus legalizes and allows anyone who lawfully purchased a firearm containing an LCM on April 4, 2013 to declare it to DESPP and lawfully keep it.

The act stipulates that evidence of a “lawful purchase,” for purposes of constructive possession, is a document indicating that, on or before April 4, 2013, the (1) parties entered into a contract for the sale and purchase of a firearm containing an LCM or (2) buyer paid all or part of the purchase price. The act also allows as evidence of actual or constructive possession a written statement made under penalty of false statement to the DESPP commissioner on a form he prescribes (§ 1(a)(2)). By law, making a false statement under oath is a class A misdemeanor (see Table on Penalties).

The act also changes the effective date of the ban on LCM sales and other transfers from April 4, 2013 to April 5, 2013. It thus allows anyone who lawfully purchased or possessed an LCM on April 4, 2013 to declare it to DESPP and lawfully keep it (§ 1(a)(3)).

The act makes technical and conforming changes to reflect the date changes.

### § 1 — EXEMPTIONS TO THE LCM POSSESSION, PURCHASE, AND IMPORT BAN

The act increases and modifies exemptions to the LCM ban in several ways, including expanding the list of exempt enforcement officials and exempting specific enforcement agencies as well.

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PA 13-3 allowed LCMs to be possessed, purchased, or imported by:

1. members and employees of the following entities for use in the discharge of their official duties or when off duty: DESPP, DOC, police departments, and the state or U.S. Armed Forces and
2. employees of a Nuclear Regulatory Commission (NRC) licensee operating a nuclear power plant in Connecticut, for providing security services at the nuclear power plant, or any person, firm, corporation, contractor, or subcontractor providing such services there.

### *Enforcement Officials*

The act eliminates the broad agency member and employee exemption and instead limits the exemption to the following specific enforcement officials when using the LCM in the discharge of their official duties or when off duty:

1. sworn and certified police (local or state) and correction officers,
2. DCJ inspectors or chief inspectors,
3. DMV salaried inspectors the DMV commissioner designates,
4. DEEP conservation or special conservation officers, and
5. locally appointed constables certified by the Police Officer Standards and Training (POST) Council who perform criminal law enforcement duties.

### *Agency Exemption*

The act exempts the following agencies and entities from the ban as well: DESPP, DEEP, DOC, DMV, DCJ, local police departments, and the state or U.S. Armed Forces.

### *Armed Forces Exemption*

The act retains the exemption from the LCM ban for members of the armed forces, but it eliminates the exemption for employees. In doing so, it appears to ban civilian employees from possessing, purchasing, or importing LCMs (§ 1(d)(3)).

### *Nuclear Power Plants*

The act modifies the NRC license exemption, exempting the nuclear facility, instead of the NRC licensee's security employees. It retains the exemption for the licensee's security contractors or subcontractors and makes a related technical change (§ 1(d)(4)).

### *Special Police for Armored Vehicles*

The act also allows anyone the DESPP commissioner appoints to act as a special police officer for armored cars to possess, purchase, or import an LCM for use in the discharge of his or her official duties (§ 1(d)(5)).

### *Manufacturers*

PA 13-3 exempts LCM manufacturers in Connecticut that manufacture or transport LCMs for sale (1) to the above-mentioned exempt entities or (2) out of

state.

This act additionally exempts such LCM manufacturers who purchase or test LCMs for such sale. It also exempts gun manufacturers under the same circumstances as LCM manufacturers (§1(d)(6)). The act also allows these manufacturers to service or repair lawfully possessed LCMs (§ 1(e)(3)).

*Other Exceptions*

*Dealer, Pawnbroker, Consignment Shop Exception.* Before October 1, 2013, the act allows a gun dealer, consignment shop operator, or licensed pawnbroker to transfer an LCM to anyone who:

1. possessed the LCM on or before April 4, 2013;
2. placed a legally possessed firearm, with the LCM included or attached, in the possession of the dealer, operator, or pawnbroker on or before April 4, 2013 under an agreement for its sale to a third person; and
3. is eligible to possess the firearm on the transfer date (§ 1(f)(4)).

*Declared LCMs—Estate Trustee Exemption.* As is the case under PA 13-3 for an executor or administrator of an estate that includes an LCM that has been declared, this act allows the trustee of a trust that includes a declared LCM to possess it and dispose of it as authorized by the Probate Court if such disposition is otherwise permitted by law (§ 1(e)(5)).

It also allows the transfer of a declared LCM, upon the death of a testator or settlor (1) to a trust or (2) from a trust to a beneficiary. PA 13-3 already allows transfers by bequest or intestate succession.

§§ 1 & 2 — DECLARING AND CARRYING AN LCM

*When LCM Declaration Not Required*

*Enforcement Entities and Officials.* The act explicitly exempts from PA 13-3's requirement to declare an LCM the enforcement agencies and officials, military members, NRC facilities, NRC security contractors, and special sworn police officers for armored vehicles that are described above as exempt from the ban on possessing LCMs (§ 2(a)(2)). The exemption applies to LCMs used for official duties, except that any of the exempt individuals may keep his or her LCM after retirement or separation from employment by declaring it to DESPP within 90 days of separation or retirement. The exemption does not apply to armed forces members.

*Manufacturers.* The act exempts from the LCM declaration requirement gun manufacturers that manufacture, purchase, test, or transport firearms for sale (1) to exempt parties in Connecticut or (2) out of state (§ 1(d)(6)). It also exempts LCM manufacturers that purchase or test, not just manufacture and transport, LCMs for such sale.

*Carrying LCMs*

PA 13-3 allows a person with a handgun permit to carry a lawfully possessed LCM in a handgun if the LCM (1) is within a handgun lawfully possessed by the person before April 4, 2013, (2) does not extend beyond the bottom of the pistol

grip, and (3) does not contain more than 10 bullets. This act stipulates that the LCM cannot extend more than one inch below the bottom of the pistol grip and extends the date for the purpose of determining lawful possession of the handgun, by one day, from April 4, 2013 to April 5, 2013 (§ 2(f)(7)).

### § 3 — BAN ON SEMIAUTOMATIC RIMFIRE FIREARMS RESTORED

The act reinstates a prohibition, seemingly eliminated by PA 13-3, on certain assault weapons defined by features.

The law, prior to the passage of PA 13-3, banned any semiautomatic firearms (whether centerfire or rimfire) that had at least two of certain features specified in the law, or parts designed or intended to convert a firearm into any such assault weapon. PA 13-3 limited the ban just to centerfire semiautomatic firearms and replaced the two-feature test with a one-feature test. In doing so, it eliminated the ban on semiautomatic rimfire weapons that met the two-feature test under prior law. This act restores the ban.

### § 4 — LAWFUL PURCHASE AND CONSTRUCTIVE POSSESSION OF ASSAULT WEAPONS

The act defines what constitutes evidence of “lawful purchase” for the purpose of determining constructive possession of certain assault weapons.

Effective April 4, 2013, PA 13-3 expanded the assault weapons ban. But it allowed anyone who had (1) actual and lawful possession of any of the affected weapons or (2) constructive possession under a lawful purchase transacted before April 4, 2013 to keep the weapon, irrespective of when delivered, by applying for a DESPP certificate of possession for it by January 1, 2014 (in effect, registering the weapon).

As is the case with LCMs, the act extends the date, for purposes of determining actual or constructive possession of an assault weapon, by one day to April 4, 2013. It thus allows anyone who lawfully purchased or possessed any of the affected assault weapons on April 4, 2013 to register it with DESPP and lawfully keep it.

The act stipulates that evidence of a lawful purchase for purposes of constructive possession of one of the affected assault weapons is documentation indicating that the (1) parties entered into a contract for the sale and purchase of the weapon on or before April 4, 2013 or (2) buyer paid all or part of the purchase price on or before April 4, 2013. The act also allows as evidence of actual or constructive possession a written statement made under penalty of false statement to the DESPP commissioner on a form he prescribes.

### § 5 — SALE AND TRANSFER OF ASSAULT WEAPONS

The law, with limited exceptions, prohibits the sale or other transfer of assault weapons. It allows sales to (1) certain law enforcement agencies and the state or U.S. Armed Forces and (2) employees or contractors of a nuclear power plant licensee providing security at a Connecticut facility.

*Agency Exemption*

The act adds DCJ, DEEP, and DMV to the list of enforcement agencies and entities that may already buy assault weapons—namely, DESPP, DOC, police departments, and the state or U.S. Armed Forces. These are the same agencies exempt from the possession ban under the act (see § 6).

*Enforcement Officials*

The act exempts from the assault weapon sales ban sales of such weapons to the same enforcement officials exempt from the possession ban and the LCM ban (see § 1). An exempt individual must provide (presumably to the seller at the time of purchase) a letter on the letterhead of his or her department, division, commissioner, or local chief executive authority authorizing the purchase stating that (1) the individual will use the weapon in the discharge of his or her official duties and (2) a record check shows that he or she has not been convicted of a family violence crime.

*Armed Forces Exemption*

The act explicitly allows the sale of assault weapons to members of the state or U.S. Armed Forces.

*Nuclear Power Plant Security Employee and Contractor Exemption*

As is the case with LCMs (§ 1), the act exempts from the assault weapons sales ban, sales to the nuclear facility, instead of the NRC licensee's security employees. It retains the exemption for security contractors and makes a related technical change.

*Authorized Transfer of Assault Weapons*

*Transfer of Assault Weapon to and From a Trust.* The act expands the circumstances under which a registered assault weapon may be transferred by allowing its transfer, upon a testator's or settlor's death, (1) to a trust or (2) from a trust to a beneficiary eligible to possess the weapon (§ 5(b)(3)). The law already allows transfers of registered assault weapons by bequest or intestate succession.

*Sale of Assault Weapon for Use in the Olympics.* The act allows the sale of certain semiautomatic pistols (i.e., newly banned weapons and others subject to PA 13-3), designated by the DESPP commissioner as designed expressly for use in target shooting events at Olympic Games sponsored by the International Olympic Committee (IOC). The buyer of any such weapon must sign a form, prescribed by the commissioner and provided by the seller, indicating that he or she will use the pistol primarily for target shooting practice and events.

The act requires the commissioner to adopt regulations designating semiautomatic pistols defined as assault weapons that may be sold for this purpose, provided their use is sanctioned by the IOC and USA Shooting, or any subsequent corresponding governing board for international shooting competition in the United States (§ 5(b)(4)).

§ 6 — ASSAULT WEAPONS POSSESSION

The law, with some exceptions, prohibits the possession of assault weapons. The act allows anyone who, on April 4, 2013, lawfully possessed any of the newly banned weapons or other weapon subject to PA 13-3 to register and keep the weapon. Under PA 13-3, the deadline was April 3, 2013.

The act expands some of the exemptions to the assault weapons ban and modifies others (see § 5 for parallel changes pertaining to sales).

*Agency and Agency Employee Exemption*

Under prior law, members or employees of DESPP, DOC, police departments, and the state or U.S. Armed Forces were exempt from the ban, but not the agencies themselves. The act instead exempts (1) specific law enforcement officers who possess the weapon for use in the discharge of their official duties or when off duty and (2) the following agencies and entities: DCJ, DEEP, DESPP, DMV, DOC, police departments, and the state or U.S. military. These are the same entities and officers exempt from the ban on assault weapon sales and LCM ban (§§ 1 & 5).

*Military Exemption*

The act retains the exemption from the assault weapons possession ban for armed forces members, but it eliminates the exemption for military employees (civilians).

*Nuclear Power Plant Security Employee and Contractor Exemption*

The act modifies the nuclear power plant security employee and contractor exemption from the assault weapon possession ban in the same way it does for sales (see § 5).

*Estate Trustee Exemption*

The act allows the trustee of a trust that includes a registered assault weapon to possess the weapon, subject to the law's restrictions, or as authorized by the probate court, just like the executor or administrator of an estate that includes a registered assault weapon can already do.

*Olympic Pistol Exemption*

The act allows the possession of a semiautomatic pistol newly banned or subject to PA 13-3 if it is designated by the DESPP commissioner, in regulations, as a weapon designed expressly for use in target shooting events at the IOC-sponsored Olympic Games. The weapon must be (1) possessed or transported in accordance with existing law for possessing and transporting registered weapons (see § 8) or (2) possessed at or transported to or from a collegiate, Olympic, or target pistol shooting competition in Connecticut sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about,

firearms. The weapon must be transported in compliance with the law (see § 9).

## § 7 — ASSAULT WEAPONS REGISTRATION

### *Law Enforcement Entities and Officials*

Under the act, exempt law enforcement entities, the state and U.S. Armed Forces, sworn and duly certified enforcement officers, or nuclear power plants operating in Connecticut and security contractors for such plants do not have to register a lawfully possessed assault weapon used for official duties in order to keep it. But servicemembers must register their weapons.

Any of the sworn and duly certified officers who buys an assault weapon for use in the discharge of his or her official duties who retires or is otherwise separated from service must apply to register the weapon within 90 days of such retirement or separation. The provision applies to any assault weapon, regardless of when banned (§§ 7(a)(1)(B) & 7(a)(2)(B)).

### *Other Possessors*

The act allows anyone who, on April 4, 2013, was in lawful possession of an assault weapon subject to PA 13-3 to apply to register it. It does this by extending the date for determining lawful possession from April 3, 2013 to April 4, 2013. Also, anyone who (1) regains possession of such an assault weapon from a gun dealer, consignment shop operator, or licensed pawnbroker placed with them on or before April 4, 2013, but no later than October 1, 2013, or (2) lawfully purchased certain specified firearms on or after April 4, 2013, but before June 18, 2013, must apply by January 1, 2014 to register it unless the person is a servicemember or was on official duty out of state (§ 7(a)(2), see § 11). The weapons in the latter category are ones banned under the two-feature test in effect before the passage of PA 13-3. Servicemembers have 90 days after returning to Connecticut to apply to register the firearms. The act makes other technical and conforming changes to reflect the changes in the deadlines.

### *Estate Trustee Exemption*

The act extends by one day, from April 4, 2013 to April 5, 2013, the deadline after which a registered assault weapon subject to PA 13-3 may be (1) transferred or sold only to a licensed gun dealer or by bequest or intestate succession or (2) relinquished by prior arrangement to DESPP or a local police department (§ 7(b)(2)).

### *Trust Exemption*

The act additionally allows the transfer or sale of any registered assault weapon, upon the death of the testator or settlor, (1) to a trust or (2) from a trust to a beneficiary eligible to possess the weapon (§ 7(b)(2)).

### *Olympic Assault Pistol Registration Provision*

The act requires anyone who lawfully purchases a semiautomatic pistol



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subject to PA 13-3 that is designated by DESPP as being designed expressly for target shooting at the IOC-sponsored Olympic Games, to apply within 90 days of such purchase to register the weapon (§ 7(2)(A)).

### § 8 — ASSAULT WEAPONS – NONRESIDENTS AND OLYMPIC PISTOL EXCEPTION

Under existing law and PA 13-3, anyone who possesses a registered assault weapon may possess it only at specified locations, such as:

1. his or her home or business place;
2. a licensed shooting club; or
3. while attending an exhibition, display, or educational project about firearms sponsored or approved by, or conducted under the auspices of, a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in firearms use or promotes firearms education.

The act allows a nonresident who has a certificate of possession to transport certain assault weapons into and through Connecticut to (1) attend any exhibition, display, or educational project described above or (2) participate in a collegiate, Olympic, or target pistol shooting competition in Connecticut sponsored or approved by, or conducted under the auspices of, a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms.

These exceptions apply only if the:

1. pistol is a semiautomatic pistol newly banned by or subject to PA 13-3 that is designated by the DESPP commissioner in regulations as being designed expressly for use in target shooting events at the Olympics;
2. pistol is being transported into or through Connecticut no more than 48 hours before or after the exhibition, display, project, or competition;
3. pistol is unloaded and carried in a locked carrying case, and the ammunition is carried in a separate locked container;
4. nonresident has not been convicted of a felony in Connecticut or of an offense in another state that would constitute a felony if committed here; and
5. nonresident has in his or her possession a pistol permit or firearms registration card, if such a credential is required to possess the pistol under the laws of his or her home state.

### § 9 — ASSAULT WEAPON TRANSPORTATION AND CERTAIN TRANSFERS

Existing law prohibits (1) carrying a loaded assault weapon concealed from public view or (2) knowingly having an assault weapon in a motor vehicle unless it is unloaded and kept in the trunk or a container inaccessible to the driver or passenger (CGS § 53-202f). The act exempts from these restrictions the enforcement officials exempt from the assault weapons ban, when they possess the weapon for use in discharging their duties or when off duty (§ 9(a), see §§ 5 & 6).

*Service or Repair*

The act allows a gun manufacturer, just like a gun dealer, to take possession of a registered assault weapon to service or repair it. Unlike gun dealers, under existing law, the act does not allow these manufacturers to transfer the weapon to a gunsmith (§ 9(c)).

*Registration Not Required for Weapons Banned by PA 13-3 in Some Cases*

Until December 31, 2013, the act allows anyone who lawfully possessed a weapon that became a banned assault weapon after the passage of PA 13-3 on April 4, 2013 to transfer it to a licensed gun dealer in or out of state for sale out of state. The act allows such a person to transport the assault weapon to the dealer without registering it (§ 9(d)).

*Dealer, Consignment Shops, and Pawn Shops*

Until October 1, 2013, the act also allows a gun dealer, consignment shop operator, or licensed pawnbroker to transfer possession of any assault weapon to a person who:

1. legally possessed it on or before April 4, 2013;
2. placed the weapon in the possession of the dealer, pawnbroker, or operator on or before April 4, 2013 under an agreement to sell the weapon to a third person; and
3. is eligible to possess it on the date it is transferred back to the person (§ 9(e)).

§ 10 — ASSAULT WEAPONS THIRD-PARTY EXCEPTION

The act allows manufacturers of assault weapons to transport and temporarily transfer assault weapons to and from a third party solely to permit the third party to perform a function in the manufacturing production process.

§ 11 — PRE-1994 SEMIAUTOMATIC RIFLES

The act specifically retains an exemption from the assault weapons ban for certain pre-1994 rifles, thereby eliminating an ambiguity in PA 13-3.

The law, prior to the passage of PA 13-3, exempted from the assault weapon transfer and registration requirements certain semiautomatic rifles not listed by name but defined by features and parts or combination of parts designed or intended to convert or that could be rapidly assembled to convert a firearm into one of these weapons, if the weapons were legally manufactured before September 13, 1994. The status of these pre-1994 weapons under PA 13-3 was unclear. This act specifically retains the exemption for these rifles.

§ 12 — SALE OF LONG GUNS

PA 13-3 added several requirements regarding the sale of long guns. This act modifies some of these and provisions in prior law. Several changes pertain to

private (nondealer) sales and transfers.

*Long Gun Sales by Nondealers*

PA 13-3 prohibits nondealers from selling or transferring long guns to other nondealers, unless DESPP authorizes the transaction or specified background check requirements are met. Specifically, PA 13-3 requires:

1. the prospective transferor and transferee to comply with the documentation and authorization requirements that apply to retail sales (i.e., gun dealer sales) of long guns (e.g., the (a) seller must document the transaction with DESPP, maintain copies of the record, and obtain an authorization number from DESPP and (b) buyer must undergo a NICS check) or
2. a gun dealer, upon the request of the prospective transferor or transferee, to consent to initiate a NICS check in accordance with specified procedures, and the check must show that the transferee is eligible to receive the gun. (It appears that this option is available only on and after January 1, 2014.)

Instead of the dealer-initiated NICS check, this act provides for a dealer-initiated DESPP check. Specifically, it provides for the prospective transferor or transferee to ask the gun dealer to contact DESPP on his or her behalf and obtain a DESPP authorization number for the transaction.

The act also specifically provides that DESPP must make every effort, including performing the NICS check, to determine if the prospective transferee is eligible to receive the firearm. DESPP must immediately notify the dealer of its determination and the dealer must immediately notify the prospective transferor or transferee. If DESPP determines that the prospective transferee is ineligible to receive the firearm, the act prohibits the sale or transfer of the firearm. If DESPP determines that the person is eligible and provides an authorization number, the prospective transferor may transfer the firearm. The act makes conforming and corresponding changes.

PA 13-3 allowed a dealer to charge up to \$20 for initiating a background check. The act removes the cap, thereby allowing a dealer to charge an unspecified fee for contacting DESPP on a prospective transferor's or transferee's behalf.

*Exemptions*

*Law Enforcement.* On and after April 1, 2014, PA 13-3 required anyone, except a federal marshal, parole officer, or peace officer, buying or receiving a long gun to have a long gun eligibility certificate, gun permit, gun dealer permit, or handgun eligibility certificate. The act eliminates the general exemption for these officers (§ 12(c)). It instead (1) limits the exemption to specific officials and (2) extends the exemptions to certain agencies and entities. It also, with one exception, exempts the specified officials from all of the long gun sale-related requirements, instead of just the credential requirement (§ 12(h)).

Specifically, the act exempts the same law enforcement agencies and entities exempt from the assault weapons and LCM ban. It also exempts the same

specified sworn and duly certified law enforcement officials and other enforcement officials and inspectors who are exempt from the assault weapons and LCM ban, when they possess the weapon for use in the discharge of their official duties or when off duty. To be exempt, the official must provide a letter on the letterhead of the pertinent entity or agency authorizing the purchase. The letter must state that (1) the individual will use the weapon in the discharge of his or her official duties and (2) a records check shows that he or she has not been convicted of a family violence crime. The act also exempts members of the military from the provisions, but does not require them to provide a letter authorizing purchase (§ 12(h)).

*Nuclear Power Plant Licensee and Military Exemption.* The act also exempts (1) nuclear power plants, when the weapons are for providing security at the facility, or any contractor or subcontractor providing such security and (2) armed forces members. The act does not require purchasers to provide a letter at the time of purchase, as is required for the other exempt parties above.

*Curios, Relics, and Antiques.* The act adds exemptions for curios or relics transferred to or between federally licensed firearm collectors. It exempts antique firearms, as defined in existing law, from all of the provisions pertaining to long gun sales and transfers, instead of just the waiting period. (The waiting period no longer applies to anyone after April 1, 2014.)

*Federal Licensees.* PA 13-3 exempted from the long gun sale requirements sales between certain federal firearm licensees (FFLs), namely (1) manufacturers and dealers, (2) importers and dealers, or (3) dealers. The act exempts sales to these FFLs from anyone as well, instead of just between them.

The act subjects the above entities and people to PA 13-3's provisions regarding gun dealer sales of long guns to minors. PA 13-3 prohibits gun dealers from selling (1) long guns to anyone under age 18 and (2) semiautomatic centerfire rifles that have or accept a magazine with a capacity of more than five rounds to anyone under age 21, except members or employees of police departments, DESPP, or DOC, or members of the military, for use in the discharge of their duties.

## § 13 — STATE BACKGROUND CHECKS

The act requires DESPP to conduct a state, rather than national, criminal history record check on anyone who applies for an ammunition certificate, created by PA 13-3, which requires that the check be conducted using only the person's name and date of birth.

EFFECTIVE DATE: July 1, 2013

## §§ 14-16 — PROHIBITIONS BASED ON MISDEMEANOR CONVICTIONS

### § 14 — State Permit to Carry Handgun

The law prohibits a person from receiving a gun permit if he or she has been convicted of certain misdemeanors specified in law. The act applies the prohibition only to misdemeanor convictions on or after October 1, 1994 (i.e., the date the prohibition based on these misdemeanor convictions was added to the

permitting statute).

The misdemeanor convictions are:

1. a first offense of possessing (a) between .5 and four ounces of marijuana or (b) a controlled substance other than a narcotic or other hallucinogen (a subsequent offense is a felony);
2. the following class A misdemeanors: criminally negligent homicide; 3<sup>rd</sup> degree assault; 3<sup>rd</sup> degree assault of an elderly, blind, disabled, pregnant, or intellectually disabled person; 2<sup>nd</sup> degree threatening; 1<sup>st</sup> degree reckless endangerment; 2<sup>nd</sup> degree unlawful restraint; 1<sup>st</sup> degree riot; inciting to riot; and 2<sup>nd</sup> degree stalking; and
3. the class B misdemeanor of 2<sup>nd</sup> degree riot.

EFFECTIVE DATE: October 1, 2013

*§ 15 — Long Gun Eligibility Certificate*

PA 13-3 prohibits someone from receiving a long gun eligibility certificate if he or she has certain prior misdemeanor convictions (the same ones listed above). Under this act, the prohibition applies to misdemeanor convictions on or after October 1, 1994.

EFFECTIVE DATE: July 1, 2013

*§ 16 — Criminal Possession of a Handgun (Pistol or Revolver)*

PA 13-3 expands the crime of criminal possession of a handgun, effective October 1, 2013. Under existing law, one way to commit this crime is to possess a handgun after having been convicted of one of the misdemeanors listed above (§ 14). (These are the same misdemeanors that prohibit a person from getting a handgun permit.) Under the act, a person commits this crime only if he or she was convicted of one of these misdemeanors committed on or after October 1, 1994.

EFFECTIVE DATE: October 1, 2013

**§ 17 — ARMOR-PIERCING AMMUNITION**

*Police Officer Exemption*

Existing law allows the sale of armor-piercing bullets and incendiary .50 caliber bullets to DESPP, DOC, police departments, and the state or U.S. Armed Forces for use in the discharge of their official duties. The act additionally allows sworn and certified police to transport or carry a firearm loaded with this type of ammunition.

*Allowed Transfers.* The act allows transfers of this type of ammunition upon the death of a testator or settlor (1) to a trust or (2) from a trust to a beneficiary who can lawfully possess it. The law already allows transfer by bequest or intestate succession.

EFFECTIVE DATE: October 1, 2013

**§ 18 — APPEALS TO THE FIREARM BOARD**

The act allows someone refused an ammunition certificate to appeal to the

Board of Firearms Permit Examiners under existing procedures that apply to other gun credentials.

EFFECTIVE DATE: July 1, 2013

#### § 19 — AMMUNITION AND AMMUNITION MAGAZINE SALES

PA 13-3 prohibits the sale of ammunition or ammunition magazines to anyone, except designated FFLs, unless the buyer holds a state gun credential (permit or certificate). The act extends the exemption to the sale of ammunition and ammunition magazines to law enforcement entities and enforcement officers for use in the discharge of their official duties or when off duty. These are the same entities and officials exempt from the ban on assault weapons and LCMs. It also exempts (1) members of the state or U.S. Armed Forces and (2) nuclear power plants in Connecticut, for providing security at the facility or any contractor or subcontractor providing such security.

The act modifies the FFL exemption, applying it to sales made by anyone to these FFLs, not just sales between FFLs. It also (1) extends the exemption to federally licensed collectors and (2) subjects FFLs, and all the other exempt individuals, to the age restrictions. The FFLs were exempt under PA 13-3. (PA 13-3 prohibits the sale of ammunition or ammunition magazines to anyone under age 18.)

#### § 20 — RELIEF FROM FIREARM DISABILITIES

The act bars the probate court from granting relief from certain firearm disabilities if it finds that the petitioner is barred from possessing a firearm under specified state law.

Federal law prohibits anyone who has been “adjudicated as a mental defective” or “committed to a mental institution” from shipping, transporting, receiving, or possessing firearms or ammunition, unless the person’s firearm privileges are restored under a federally approved program. It contains a court procedure for restoring firearm privileges lost as a result of federal adjudications or commitments. State law contains a similar procedure for restoring such privileges lost because of a state adjudication or commitment. The court must grant relief if it finds, by clear and convincing evidence, that (1) the petitioner is not likely to act in a manner dangerous to public safety and (2) granting relief is not contrary to the public interest.

EFFECTIVE DATE: October 1, 2013

#### BACKGROUND

##### *Related Acts*

PA 13-3 makes extensive changes in the gun laws.

PA 13-258, § 29, increases the penalty for (1) carrying a concealed, loaded assault weapon or (2) knowingly having an assault weapon in a vehicle unless the weapon is unloaded and kept in the trunk or in a case that is inaccessible to the operator of, or any passenger in, the vehicle.

# OLR PUBLIC ACT SUMMARY

OLR Tracking: VR:CR:JKL:RO